



Testimony on Citizen Participation in Congressional Redistricting
Senate State Government Committee
David Thornburgh, President and CEO, Committee of Seventy
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Thank you, Chairman Argall, Chairman Street, and members of the State Government committee for holding this discussion around citizen participation in the congressional redistricting process.

At the Committee of Seventy and over the past four years, we have learned a number of valuable lessons about public engagement in the issue of redistricting and the map-making process through our role in the bipartisan Pennsylvania Redistricting Reform Commission, whose report was released in August 2019, and the Draw the Lines PA mapping competition that yielded 1,500 completed maps submitted by individuals across Pennsylvania.

I shared some of these observations from our experiences at Seventy and Draw the Lines recently with your colleagues in the House and would highlight the following topline recommendations for you today: First, we would advise the House and Senate to work together conducting a meaningful and efficient **program of public engagement** that offers multiple ways for citizens to participate and that distills common themes or points of feedback for map drawers. Second, the State Government Committees should produce at least one **preliminary map** with adequate time for public review and feedback before voting on a final plan to send to the Governor. Third, the General Assembly should ensure that the preliminary and final mapping plans are accompanied by a **narrative** that explains the choices made in the map. And fourth, **use a balance of common sense criteria and citizen input** to inform the map.

First principle: Meaningful public engagement

Given the unprecedented level of public interest in the redistricting process, and the commitment to make this process the most transparent in history, the House and Senate State Government Committees have a great opportunity to structure high quality conversations with Pennsylvania citizens about the mapping process. To assist in that process, Seventy has drafted a *Roadmap to Transparent Redistricting*, attached as an appendix to this testimony. The Roadmap expands on the following core set of practices that Seventy has developed in consultation with experts in the field of civic engagement. Those practices include:

1. Holding moderated or facilitated conversations to gauge citizen input on a map or small set of maps that has already been released.
2. Communicating clear expectations for the role of citizen input.



3. Educating citizens before and after the conversation.
4. Asking for public input on the congressional map in its entirety but also on individual districts, focusing on what's right, what's wrong, and what could be improved.
5. Moving past sheer transparency to communicate a sense of clarity around the process—who will decide, by when, based on what.

Second principle: Ask citizens to consider a preliminary map or small set of maps

The release of a preliminary mapping plan with ample time for public comment substantially increases the quality of public input. In examining draft boundaries, Pennsylvanians can identify potential issues with proposed districts in their community, municipality or county, generating feedback of far greater specificity and usability for map makers. The importance of this step was understood by the delegates of the 1967-68 Constitutional Convention, who made sure to codify preliminary mapping in the process followed by the Legislative Reapportionment Commission (LRC).

Once the data is available, we urge the State Government Committees to release publicly at least one and not more than three preliminary congressional mapping plans; and to provide at least 30 days to receive comments and feedback from the public before moving to advance a mapping plan.

This preliminary mapping and public feedback sequence was broadly ignored in the last redistricting cycle. In the 2011 redistricting cycle, SB1249 was introduced as a placeholder on December 7, amended with proposed congressional districts on December 14, and passed the General Assembly on December 20. While there were several public hearings prior to December, those hearings were held without the benefit of a draft map to consider, which made them largely meaningless. The final map, while passed with bipartisan support, contained some of the worst gerrymanders in the country. To guarantee the most transparent congressional redistricting process in history, citizens must be able to comment on proposed boundaries before a mapping plan is presented to the General Assembly for a final vote.

Third principle: Present an accompanying narrative that explains the map

Both the preliminary map(s) and the final approved map must be accompanied by a narrative that “tells the story of the map.” This accompanying narrative should provide a description of each of the 17 districts and answer the following questions:



1. How does this map comply with the traditional redistricting standards currently set out via precedent by the Pennsylvania Supreme Court?
2. In drawing the map, how did mapmakers incorporate public feedback from the public hearings and the districts submitted by citizen mappers?

Fourth principle: Use common sense criteria to draw the lines

There are multiple, valid perspectives on how a map-drawing process can be constructed and with a variety of criteria. The 1,500 maps that have been submitted to the Draw the Lines PA (DTL) competitions provide valuable insights into those perspectives, as did the thousands of public comments and survey responses received by the Redistricting Reform Commission. The following standards were agreed upon by nearly every DTL citizen mapper and reiterated by much of the public feedback to the advisory commission:

- **All districts should be compact, contiguous and nearly equal in population.** These traditional criteria are common in law around the country, including the PA Constitution for legislative districts drawn by the LRC. Compact districts and population equality can be quantified with several respected mathematical calculations. Contiguity simply means that districts may not be separated from themselves at any point.
- **Minimize the division of political jurisdictions.** Of the comments provided to the PA Redistricting Reform Commission, splitting of counties or municipalities among multiple political districts was by far the most frequently named grievance. This seemed to be the case for two reasons: First, any Pennsylvanian can see plainly the division of their county or municipality on a map; and second, as residents of that community they likely had a sense of whether a certain division was justified by some reasonable consideration of geographic boundaries, the protection of racial or language minorities, or some other local community objective. Without any such justification, they assumed jurisdictional splits were due to a partisan or political factor.
- **Protect racial and language minorities.** In our diverse Commonwealth, it will remain critically important that minority communities are protected in the map-making process. Section 2 of the Voting Rights Act continues to apply to congressional redistricting in every state and prevents district lines that would deny minority voters an equal opportunity “to participate in the political process and to elect representatives of their choice.” We are fortunate that this federal provision is still in effect, safeguarding minority communities from being “cracked” or “packed” with a discriminatory outcome regardless of intentionality.



- **Mitigate the risk of partisan manipulation.** Finally, the PA Redistricting Reform Commission, plus the vast majority of Draw the Lines mappers, recommended against any use of voter registration data previous election results, at least when drafting preliminary maps for public review and comment.

Meaningful public engagement will yield a better result

With the release of Census data in August, Draw the Lines PA will soon release *The Pennsylvania Citizens' Map*, a composite map that takes into account the values, median metric benchmarks, and regional trends that we've learned from the hundreds of maps Pennsylvanians have completed through DTL. It is by no means a perfect map, and we recognize there is no such thing. The *Citizens' Map*, and its accompanying narrative, could stand as a useful starting point for the work your committee will undertake. It will meet or exceed each of the metrics set by the General Assembly's 2011 mapping plan and the 2018 remedial map drawn by the Supreme Court. It will be vetted by our mappers, mindful of both the current legal standards and numerous on-the-ground features of the Commonwealth—rivers and mountain ridges, shared economic or cultural interests—that preclude the sort of simple grid-like pattern that may be acceptable in a flatter, more homogenous state.

Thorough engagement of the wider public in the map-making process is essential. We have never believed that redistricting is something that can be handed over to an algorithm. Redistricting is inherently political and, consequently, it requires that people discuss, debate and make reasoned judgments about how and where to consider tradeoffs and competing interests, and draw political boundaries in the best interests of the public. Election maps should be the product of a robust conversation between the represented and those who represent them. This also means that there is no perfect map; rather, we can design a process with clear rules and objectives, guided by ample public input, and concluding with a final plan and explanation of that plan. If such a process is followed on behalf of Pennsylvanians, we are confident it would yield a map adequately reflective of the Commonwealth and its diverse interests.

We appreciate the time and effort committed by you and your staff to set a new and higher standard for transparency and public engagement in the 2021-22 redistricting cycle. Some initial steps taken in both chambers have been in the right direction, and we look forward to continuing to work with you in the coming months.

David Thornburgh
President and CEO, Committee of Seventy
Chair, Draw the Lines PA

APPENDIX

**Pennsylvania General Assembly
Roadmap to Transparent Redistricting
July 2021**

The dominant theme of nearly five years of public discourse leading up to this redistricting cycle is that the process for drafting political boundaries and the boundaries themselves must be in the public interest, and not that of the parties or current office holders. An end-product that Pennsylvanians can trust, especially after the poor experience of numerous prior cycles, will require a degree of transparency beyond the baseline practices typically followed in other mundane functions of government. In this case, transparency necessitates a focus on high-quality and meaningful public participation.

This memo outlines a set of recommendations for the congressional redistricting process that builds on the basic constitutional requirements followed by the Legislative Reapportionment Commission and on lessons from large-scale public engagement initiatives, including the 2019 Pennsylvania Redistricting Reform Commission and three-year long Draw the Lines PA mapping competition.

1) Publish a preliminary mapping plan

- The release of a preliminary mapping plan will substantially increase the specificity and quality of public input, as members of the public can identify potential issues with the districts in their community, municipality and/or county. **At least one and not more than three preliminary congressional mapping plans** should be published by a State Government Committee and no later than 30 days after the Legislative Data Processing Center submits adjusted data to the General Assembly.¹ A preliminary mapping plan need not be articulated in a bill, but should be uploadable into free, online redistricting platforms, and made available with ample opportunity for public review and feedback.
- The preliminary map(s) should be created while attempting to adhere to the **traditional redistricting criteria** established in the 2018 Supreme Court precedent. Congressional districts should be: *“...composed of compact and contiguous territory; as nearly equal in population as practicable; and which do not divide any county, city, incorporated town, borough, township, or ward, except where necessary to ensure equality of population.”*

¹ The Constitution provides the Legislative Reapportionment Commission 90 days for this step, and in a normal year, the General Assembly could follow the same timeline. However, with a likely January 24th deadline from the Department of State for a completed map, the 2021-22 process has a tighter timeline.

- A preliminary map should not be considered for a vote or amendments by a State Government Committee until at least 30 days after it is made public. During this time, input should be gathered by multiple modes including public hearings, online surveys and citizen-drawn maps. See Recommendation #2 for specifics on multimodal feedback.
- **Recommendations in drafting a preliminary map**
 - Ensure the preliminary map complies with the **Voting Rights Act**.
 - Consider the **metrics regarding the traditional criteria** listed in the Constitution for state legislative districts and in court precedent for congressional redistricting: population equality, compactness and number of political subdivision splits. No map can optimize all criteria simultaneously, but monitor the metrics of maps being submitted by the public.
 - **Consider public input** submitted to date via **online survey and citizen-drawn maps**. Advise members of the public that specific input regarding well-established communities or regions of interest (e.g., Laurel Highlands, Lehigh Valley, interstate corridors) may be most valuable to map drawers given the size of congressional districts.
 - **Publish more than one preliminary map to create decision points** for legislators and the public. One such decision point could include which region of the state, if any, may lose a district.

2) Gather public feedback on preliminary mapping plan(s)

- **Regional public meetings:** The House and State Government Committees should hold at least four public meetings in different regions around the state to solicit public feedback on the preliminary maps. The public should be advised that the most constructive feedback will be focused on specific features of the maps, how they would adjust certain boundaries and why. Soliciting a ranking or preference of the maps (if more than one) and accepting commentary on commonly-used metrics derived from the maps may also be instructive. The following metrics are available from Dave's Redistricting, a free online mapping platform: population deviation, number of splits of political jurisdictions, compactness and contiguity, minority representation and Voting Rights Act compliance, competitiveness, and/or proportionality. The following steps would be advisable to optimize for quality and efficiency:
 - **Engage a professional facilitator** who will guide the conversation at each meeting. Prior to the meeting, this person would be involved in creating an agenda and format that will produce feedback useful to committee members.
 - **Make educational materials available prior to the meeting.** A joint, bipartisan website (which could be shared with the LRC) should include information about



what redistricting is, why it's required and important, prior redistricting maps, and free mapping tools available to the public. To ensure accessibility, these materials should be published at least two weeks in advance to a hearing. The Committee of Seventy and Draw the Lines are available to help curate nonpartisan resources and materials.

- **Organizational testifiers:** Those invited to testify in person should ideally represent a broad and/or well-recognized constituency (e.g., community or civic groups, civil rights organizations, community foundations, chamber/bar associations, etc.) and be prepared to comment on the preliminary mapping plan and specific changes they would recommend, if any. Positive or affirmative feedback on the preliminary plan is as valuable as negative feedback and suggested changes. Special care should be taken to ensure that marginalized or underserved constituencies are represented in the hearings.
- **Other features:**
 - Details about the meeting (date, time, location, format) should be published no less than fourteen (14) days before the meeting.
 - Each meeting should offer the opportunity to participate in-person and virtually, and the meeting should be streamed live to the public. A recording should be made available afterwards.
 - Meetings should take place in the evenings, to allow for greater participation for those working during the day.
- **Online survey for broad-based input:** Individual Pennsylvanians should have the ability to comment in writing through a survey form on the state's redistricting website. Clarify that the survey form is one of multiple tools to gather feedback from the public, and that data received will be analyzed for common themes and frequently-named issues. Acknowledge that not every public comment can be used to make adjustments to the map.
 - **Survey contents:** The survey form should include some basic background on congressional redistricting at the front end, followed by prompts to focus the respondents:
 - Which municipalities, counties, communities or general areas do you most want to see within your congressional district? Why?
 - What do you like about the boundaries of your district in the preliminary mapping plan(s)?
 - What do you NOT like about the boundaries of your district in the preliminary mapping plan(s)?

- Is there anything else you would like to share about how congressional districts should be drawn?

3) How to analyze and consider public feedback

- **Post raw, anonymized feedback online:** Anticipating that committee members and staff may not have the capacity to analyze and distill all of the potentially thousands of individual submissions from the public, all testimony, survey results, and citizen map submissions should be available online for review and analysis.
- **Public hearings:** Analyze in-person testimony for trends in which communities, municipalities, or counties should be kept together or can reasonably be split apart for a compelling reason in the public interest. Request that testifiers comment specifically on this matter in addition to how well or not the preliminary mapping plan(s) accommodates their area or region of Pennsylvania. Factors raised by the public will include certain communities of interest (Lehigh Valley/US-22 corridor; Pennsylvania Wilds/US-6 corridor) or geographic features that may divide a district.
- **Survey responses:** Individual survey responses (but not any identifiable information) should be posted online on a regular basis. A basic analysis of submissions should identify commonalities among answers to each of the questions, and the frequency with which those commonalities arise. For example, how many responses identify the Lehigh Valley as a region or community of interest that should be kept in one congressional district?
- **Citizen maps:** Request that public mapping efforts endeavor to either **a)** create unity maps from a multitude of citizen-drawn maps; or **b)** submit maps created on behalf of a larger group. An examination of the traditional criteria metrics from these maps could be instructive in providing a basic range for population deviation, compactness and political subdivision splits and what outlier maps will look like.

4) Generate a narrative that justifies the map

- Both the preliminary map(s) and the final approved map should be accompanied by a narrative that “tells the story of the map.” This accompanying narrative should provide a description of each of the 17 districts and answer the following questions:
 - How does this map comply with the traditional redistricting standards set out by Pennsylvania Supreme Court precedent (population equality, compactness and contiguity, avoiding political subdivision splits)?
 - How did mapmakers incorporate public feedback from the public hearings and the trends or proposals raised in the map submissions made by citizen mappers?

- With the release of Census data, Draw the Lines PA will be creating a **Pennsylvania Citizens' Map** drafted as a composite of the various maps created by numerous mappers throughout the Draw the Lines initiative. The composite map will track as closely as possible to the metrics for traditional criteria in the PA constitution, adhere to federal law and incorporate common decisions made by mappers regarding regional or community interests, including geographic features. The map will be accompanied by a written narrative explaining the various districts to serve as an example of the documentation that can be provided with official preliminary and final mapping plans.

5) Accessibility and basic transparency

- The House and Senate State Government committees should publish their own joint, bipartisan website or use the existing website of the Legislative Reapportionment Commission to inform the public throughout the congressional redistricting process.
- The website should include:
 - A submission form to collect public input, including citizen-drawn maps and accompanying map stories. Form should be available online and in hardcopy.
 - The GIS shape and district index files of the preliminary and final maps.
 - All datasets that are used to produce the preliminary and final maps.
 - The names and affiliations of the consultants who are drawing the maps, copies of the contracts that describe their engagement, and the software they are using.
- All materials and information should be translated into at least Spanish (currently required by Section 203 of the Voting Rights Act) and Chinese (which may soon be covered under the VRA in Philadelphia). Other language interpretation and translation, including ASL, should be covered to the greatest extent possible, especially for public hearings in regions with larger Limited English Proficient populations.

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***The Committee of Seventy** is a nonpartisan civic leadership organization that advances representative, ethical and effective government in Philadelphia and Pennsylvania through citizen engagement and public policy advocacy.*

***Draw the Lines PA** is a nonpartisan, nonprofit initiative from the Committee of Seventy that engages everyday Pennsylvanians in the redistricting process by giving them the tools and data to draw their own election maps. Since 2018, 7,200 Pennsylvanians have used this free and widely available software to enter DTL's twice-yearly public competitions.*